

Notice of Allowability

Application No.

09/349,517

Examiner

James P. Trammell

Applicant(s)

MCDONALD ET AL.

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 8/2/07
2. ☒ The allowed claim(s) is/are 1-3, 12-17, 22-25, 27-29, 31-43, 45-46, 48-50, 52-54, 58-60, 62-109
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

The following is an examiner's statement of reasons for allowance

As discussed in the previously pending art rejection, the Fraser (US 5,995,947) – Tengel (US 5,940,812) combination of references generally touches upon most of the recited limitations. In this combination, interactive mortgage origination, brokering, and handing off from broker to lender are described in an electronic environment; however, the aforementioned combination fails to disclose the separation of origination activities from both the broker and the consumer to a distinct entity and also fails to disclose the necessity of non-duplication of activities between those entities in compliance with state or federal laws. In an attempt to fill in some of the gaps of the aforementioned combination of references, Teixeira was cited by the examiner. Teixeira discloses coordinating inputs from different contributors into a final form for the consumer, yet it fails to disclose a loan originator distinct from the consumer and the broker. In fact, in all of the prior art of record, the loan origination activities are conducted by either the broker or the lender acting both as a lender and a broker. The references individually and collectively teach away from the limitation of the Applicant's invention concerning the loan originator as a distinct entity; not even touching upon that entity's necessity to comply with existing laws and regulations. Further, secondary considerations and evidence present in the record show substantial commercial success in the implementation of the invention after application, as well as a collective mindset to those ordinarily skilled in the art at the time of invention to shy away from the division of origination and brokering activities in light of laws and regulations, as noted in the Applicant's response dated 8/2/2007. Therefore, it would not have been obvious to one

Application/Control Number: ^{on/349517} ~~10/420,883~~
Art Unit: 3694

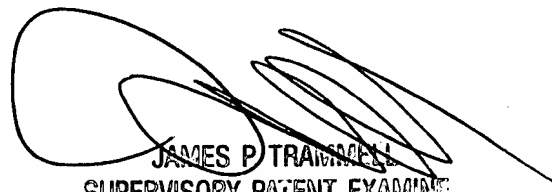
Page 3

of ordinary skill in the art at the time of invention to separate the origination activities from the loan broker and lender in such a way as to create three separate entities, as claimed in the Applicant's invention. Accordingly, claims 1-3, 12-19, 22-25, 27-29, 31-43, 45-46, 48-50, 52-56, 58-60, and 62-109, are deemed to be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication should be directed to James P. Trammell at telephone number 571-272-6712.


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